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EXAMINER

SHAH, AMEE A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/977,802

Applicant(s)

LAGE, MARK C.

Examiner

Amea A. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1-37 are pending in the instant application.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and/or 37 CFR 1.84(p)(5) because: (1) reference character “109” has been used to designate both “devices for display” and “number of connections;” (2) they contain handwritten text; (3) they do not include the following reference sign(s) mentioned in the description: “100,” “500” and “600;” and (4) they include the following reference character(s) not mentioned in the description: “702” and “710.”

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: (1) on page 6, Figure 7 is referred to as "a flow chart of the flow chart of the operations" and should state -- a flow chart of the operations--; and (2) on pages 24 and 25, references are made to an "ATM machine" which is redundant and should state -- ATM--. Appropriate corrections are required.

The use of the trademark "PALM" devices has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

Claims 10, 11, and 21 are objected to because of the following informalities: the claims state "the information provided includes and identification" and should state -- the information provided includes an identification --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24 and 35 are system claims using “means plus function” language. The proper test for meeting the definiteness requirement is that the corresponding structure (or material or acts) of a means (or step) – plus – function limitation must be disclosed in the specification itself in a way that one skilled in the art will understand what structure (or material or acts) will perform the recited function. *See Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1381, 53 USPQ2d 1225, 1230 (Fed. Cir. 1999).

With reference to claim 24, the examiner could not find corresponding structure of a means-plus-function limitation for “providing an account” and for “increasing said value parameter” in the specification itself in a way that one skilled in the art will understand what structure will perform the recited function. Therefore, claim 24 is rendered unclear. *See* MPEP §2181. Since claims 25-34 are dependant on claim 24, they will inherit the same deficiency and are therefore also rejected for the same reasons.

With reference to claim 35, the examiner could not find corresponding structure of a means-plus-function limitation for “providing an account” and for “decreasing said value parameter” in the specification itself in a way that one skilled in the art will understand what structure will perform the recited function. Therefore, claim 35 is rendered unclear. *See* MPEP §2181. Since claims 36 and 37 are dependant on claim 35, they will inherit the same deficiency and are therefore also rejected for the same reasons.

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In view of the above, the examiner will not invoke 35 USC 112, 6<sup>th</sup> paragraph, while examining claims 24-37, and will give them the broadest reasonable interpretation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-26, 31, 32, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyd et al. (Pub. No. US 2004/0193489 A1).**

Referring to claim 1. Boyd et al. discloses a method of doing business in an environment having consumers and marketers of goods and services, said method comprising the steps of:

- providing an account for a consumer (Boyd et al., page 4, ¶0087) in a database (Boyd et al., page 6, ¶0102) which identifies said consumer (Boyd et al., page 7, ¶0121 - note that the identification is a “YahooID”) and maintains a value parameter for said consumer, (Boyd et al., page 4, ¶0087 - note that the value

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parameter is points) said value parameter being redeemable toward acquisitions of items (Boyd et al., page 4, ¶0052); and

- increasing said value parameter associated with said consumer upon a predetermined event, said predetermined event having an associated value and an associated marketer (Boyd et al., page 8, ¶0134 - note that the merchant is considered to be the marketer), said increase being provided to said database wherein it is added to said value parameter for said consumer (Boyd et al., page 12, ¶0211), said increase being a function of the value of said event and a factor associated with said event and alterable by in real-time by the marketer associated with that event (Boyd et al., pages 8-9, ¶0136, “purchasing a product such as a compact disc (CD) may enable the consumer to earn points immediately. The specific number of points earned is merchant-specific. In one embodiment, earned points and dollar amount spent on the purchase have a 1:1 relationship. ... Other fixed ... or variable relationships (e.g. x :1 where x varies from day to day) are of course possible.” Note that the purchasing of the product is the event, the fixed or variable relationships include a factor, and “where x varies from day to day” is considered real-time.)

Referring to claim 2. Boyd et al. further discloses the method of claim 1 wherein each of said goods and services has an associated selling price and said predetermined event is a purchase of a particular one of said goods and services for its selling price and said increase is a function of that selling price and said factor (Boyd et al., pages 8-9, ¶0136, “Points can be earned

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by purchasing a product or service. ... The specific number of points earned is merchant specific.”).

Referring to claim 3. Boyd et al. further discloses the method of claim 1 wherein said predetermined event is a particular response by said consumer to a communication received by said consumer (Boyd et al., page 9, ¶0137 – note that the communication received by the consumer is an advertisement and the particular response is clicking on the ad).

Referring to claim 4. Boyd et al. further discloses the method of claim 1 further including the step of decreasing said value parameter by an amount (Boyd et al., page 7, ¶0119), said decrease being associated with a redemption of a predetermined portion of the stored value parameter for one of said items, said one item having an associated value and said amount being a function of this value and a second factor alterable in real-time (Boyd et al., page 10, ¶¶0166-0168, whereby points can be redeemed for gift certificates or items in an auction. For the example given of receiving a \$20-off gift certificate for 2000 points, note that the associated value is \$20, and the amount of 2000 is considered to be a function of this value and a second factor (i.e. 100). Boyd et al. page 11, ¶0185 - note that where the merchants can decrease the redemption thresholds is taken to include that the merchant can alter the factor in real time since the transactions occur online).

Referring to claim 5. Boyd et al. further discloses the method of claim 4 wherein said second factor is a default factor alterable by one or more predefined persons and said item is cash



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(Boyd et al., page 9, ¶¶0162, 0163 - note that the second factor is a conversion rate that can fluctuate and alterable by another incentive program or Yahoo!).

Referring to claim 6. Boyd et al. further discloses the method of claim 4 wherein said second factor is alterable by a marketer associated with said one item and said item is selected by said consumer from a number of said goods and services (Boyd et al., page 9, ¶0136 – note that just as merchants can alter the factor to determine how many points to award for a purchase, so can merchants alter the second factor to determine how many points must be redeemed to acquire a good or service).

Referring to claim 7. Boyd et al. further discloses the method of claim 2 wherein said method also includes the step of providing information about the particular one of said goods and services purchased from one of said marketers (Boyd et al., page 6, ¶0106) and said account also maintains this information (Boyd et al., page 7, ¶0121, “the relational database ... is also used by the offerer server to record and track all transactions, which includes processing information such as OfferID, time/date stamp, YahooID, the actions that the user took to earn his points, and the like.” Note that transactions include information about the purchase of a particular goods and services.)

Referring to claim 8. Boyd et al. further discloses the method of claim 7 wherein said information about the particular one of said goods and services purchased includes an identification of such goods and services (Boyd et al., page 7, ¶0121 - note that the recording

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and tracking of all transactions is considered to include an identification of the goods and services purchased).

Referring to claim 9. Boyd et al. further discloses the method of claim 7 wherein said information about the particular one of said goods and services purchased includes an identification of said one marketer (Boyd et al., page 7, ¶0121 - note that the recording and tracking of all transactions is considered to include an identification of the marketer).

Referring to claim 10. Boyd et al. further discloses the method of claim 7 wherein said particular one of said goods and services is goods manufactured by a manufacturer and the information provided includes an identification of this manufacturer (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of the manufacturer).

Referring to claim 11. Boyd et al. further discloses the method of claim 7 wherein said particular one of said goods and services is a service provided by a service provider and the information provided includes an identification of this service provider (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of the service provider).

Referring to claim 12. Boyd et al. further discloses the method of claim 7 wherein said information provided indicates the frequency that the particular one of said goods and services is

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purchased (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include the frequency with which a particular one of goods and services is purchased).

Referring to claim 13. Boyd et al. further discloses the method of claim 7 wherein said information provided indicates the time and date that the particular one of said goods and services is purchased (Boyd et al., page 7, ¶0121).

Referring to claim 14. Boyd et al. discloses a method of doing business in an environment having consumers and items each having an associated value, said method comprising the steps of:

- establishing an account for a consumer (Boyd et al., page 4, ¶0087) in a database (Boyd et al., page 6, ¶0102) which identifies said consumer (Boyd et al., page 7, ¶0121 – note that the identification is a “YahooID”) and has a value parameter for said consumer (Boyd et al., page 4, ¶0087 – note that the value parameter is points), said value parameter being redeemable toward said items (Boyd et al., page 4, ¶0052); and
- decreasing said value parameter by an amount (Boyd et al., page 7, ¶0119), said decrease being associated with a redemption of a predetermined portion of the stored value parameter for an item desired by said consumer, said item having an associated value and said amount being a function of the value of the item redeemed and a factor alterable in real-time (Boyd et al., page 10, ¶¶0166-0168,

whereby points can be redeemed for gift certificates or items in an auction. For the example given of receiving a \$20-off gift certificate for 2000 points, note that the associated value is \$20, and the amount of 2000 is considered to be a function of this value and a second factor (i.e. 100). Boyd et al. page 11, ¶ 0185- note that merchants can decrease the redemption thresholds is taken to include that the merchant can alter the factor in real time since the transactions occur online).

Referring to claim 15. Boyd et al. further discloses the method of claim 14 wherein said factor is a default factor alterable by one or more predefined persons and said item is cash (Boyd et al., page 9, ¶¶0162, 0163- note that the second factor is a conversion rate that can fluctuate and alterable by another incentive program or Yahoo!).

Referring to claim 16. Boyd et al. further discloses the method of claim 14 wherein said factor is alterable by a marketer associated with the item and said item is selected by said consumer from a number of goods and services (Boyd et al., page 10, ¶¶0166-0168).

Referring to claim 17. Boyd et al. further discloses the method of claim 14 wherein said method also includes the step of providing information about said item (Boyd et al., page 6, ¶0106) and said account also maintains this information (Boyd et al., page 7, ¶0121, “the relational database ... is also used by the offerer server to record and track all transactions, which includes processing information such as OfferID, time/date stamp, YahooID, the actions that the user took to earn his points, and the like. ... Every transaction that the user is involved in is

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recorded and tracked in the RDB.” Note that this is considered to include information about the redemption of points for an item.)

Referring to claim 18. Boyd et al. further discloses the method of claim 17 wherein said item is a particular one of a number of goods and services and said information provided includes an identification of the same (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of particular one of a number of goods and services).

Referring to claim 19. Boyd et al. further discloses the method of claim 17 wherein said item is redeemed from a marketer and said information provided includes an identification of said marketer (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of the marketer).

Referring to claim 20. Boyd et al. further discloses the method of claim 17 wherein said item is a particular one of a number of goods, said item having an associated manufacturer and the information provided identifies the manufacturer associated with the redeemed item (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of the manufacturer).

Referring to claim 21. Boyd et al. further discloses the method of claim 17 wherein said item is a particular one of a number of services, each of such services being provided by an

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associated service provider, and the information provided includes and identification of the provider associated with said item (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include an identification of the service provider).

Referring to claim 22. Boyd et al. further discloses the method of claim 17 wherein said information provided indicates the frequency that value is redeemed from the account (Boyd et al., page 7, ¶0121- note that the recording and tracking of all transactions is considered to include the frequency that points are redeemed).

Referring to claim 23. Boyd et al. further discloses the method of claim 17 wherein said information provided indicates the time and date that said item is redeemed (Boyd et al., page 7, ¶0121).

Referring to claim 24. Boyd et al. discloses a system for doing business in an environment having consumers and marketers of goods and services, said system comprising:

- means for providing an account for a consumer (Boyd et al., pages 4-5, ¶¶0087-0089 – note that the means is an online network environment including a server computer station) in a database (Boyd et al., page 6, ¶0102) which identifies said consumer (Boyd et al., page 7, ¶0121 - note that the identification is a “YahooID”) and maintains a value parameter for said consumer (Boyd et al., page 4, ¶0087 - note that the value parameter is points), said value parameter being redeemable toward items (Boyd et al., page 4, ¶0052); and

- means for increasing said value parameter associated with said consumer upon a predetermined event (Boyd et al., page 5, ¶0097 – note that the means is a server computer station) having an associated value and an associated marketer (Boyd et al., page 8, ¶0134 - note that the merchant is considered to be the marketer), said increase being provided to said database wherein it is added to said value parameter for said consumer (Boyd et al., page 12, ¶0211), said increase being a function of said event and a factor associated with said event and alterable in real-time by the marketer associated with that event (Boyd et al., pages 8-9, ¶0136, “purchasing a product such as a compact disc (CD) may enable the consumer to earn points immediately. The specific number of points earned is merchant-specific. In one embodiment, earned points and dollar amount spent on the purchase have a 1:1 relationship. ... Other fixed ... or variable relationships (e.g. x :1 where x varies from day to day) are of course possible.” Note that the purchasing of the product is the event, the fixed or variable relationships include a factor, and “where x varies from day to day” is considered real-time).

Referring to claim 25. Boyd et al. further discloses the system of claim 24 wherein each of said goods and services has an associated selling price and said predetermined event is a purchase of a particular one of said goods and services for its selling price and said increase is a function of that selling price and said factor (Boyd et al., pages 8-9, ¶0136, “Points can be earned by purchasing a product or service. ... The specific number of points earned is merchant specific.”).

Referring to claim 26. Boyd et al. further discloses the system of claim 24 wherein said predetermined event is a particular response by said consumer to a communication received by said consumer (Boyd et al., page 9, ¶0137 – note that the communication received by the consumer is an advertisement and the particular response is clicking on the ad).

Referring to claim 31. Boyd et al. further discloses the system of claim 24 further including a means for displaying the maintained value parameter (Boyd et al., page 5, ¶0091 and page 7, ¶0117 – note that the means for display is a monitor displaying a web page, and that “balance summaries” includes maintained value parameter).

Referring to claim 32. Boyd et al. further discloses the system of claim 24 further including a means for displaying the factor for any of a number of goods and services at any time (Boyd et al., page 5, ¶0091, page 7, ¶0117, and page 9, ¶0158 – note that the means for display is a monitor displaying a web page, and that “multiplier” is considered to be the factor).

Referring to claim 35. Boyd et al. discloses a system for doing business in an environment having consumers and items, each item having an associated value, said system comprising:

- means for providing an account for a consumer (Boyd et al., pages 4-5, ¶¶0087-0089 – note that the means is an online network environment including a server computer station) in a database (Boyd et al., page 6, ¶0102) which identifies said



- consumer (Boyd et al., page 7, ¶0121 – note that the identification is a “YahooID”) and has a value parameter for said consumer (Boyd et al., page 4, ¶0087 – note that the value parameter is points), said value parameter being redeemable toward items (Boyd et al., page 4, ¶0052); and
- means for decreasing said value parameter by an amount (Boyd et al., pages 5-6, ¶¶0097 – 0102 - note that the means is a server computer station including a web server and database server), said decrease being associated with a redemption of a predetermined portion of the stored value parameter for an item desired by said consumer, said item having an associated value and said amount being a function of the value of the item redeemed and a factor alterable in real-time (Boyd et al., page 10, ¶¶0166-0168, whereby points can be redeemed for gift certificates or items in an auction. For the example given of receiving a \$20-off gift certificate for 2000 points, note that the associated value is \$20, and the amount of 2000 is considered to be a function of this value and a second factor (i.e. 100). Boyd et al. page 11, ¶ 0185- note that merchants can decrease the redemption thresholds is taken to include that the merchant can alter the factor in real time since the transactions occur online).

Referring to claim 36. Boyd et al. further discloses the system of claim 35 wherein said factor is a default factor alterable by one or more predefined persons and said item is cash (Boyd et al., page 9, ¶¶0162, 0163- note that the second factor is a conversion rate that can fluctuate and is alterable by another incentive program or Yahoo!).

Referring to claim 37. Boyd et al. further discloses the system of claim 35 wherein said factor is alterable by a marketer associated with the item and said item is selected by said consumer from a number of goods and services (Boyd et al., page 10, ¶¶0166-0168).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (Pub. No. US 2004/0193489 A1) in view of Jacoves et al. (Patent No. 6,741,968 B2).**

Referring to claims 27 and 28. Boyd et al. discloses the system of claim 25 as indicated supra, with the exceptions of having the increasing means include a point of sale terminal for tallying a purchase of goods and services by a consumer (claim 27) and wherein said point of sale terminal transfers an amount to said account.

Jacoves et al. shows that a point of sale terminal can be used to tally a purchase of goods and services in a fuel redemption program and transfer an amount to the user account (Jacoves et

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al., column 3, lines 46-65). A point-of-sale system is generally the heart of a physical store's operation and can be connected to a database (Jacoves et al., column 3, lines 52-56).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Boyd et al. to include the teachings of Jacoves et al. to use a point of sale terminal to tally a purchase of goods and services by a consumer and transfer the amount to the user account. Doing so would allow for an award incentive program to extend offline at brick-and-mortar stores as well as online. (Boyd et al., page 2, ¶0025, "the system should also provide flexible redemption capabilities across offline-online boundaries so that any points earned offline can be redeemed online...).

Referring to claim 29. Boyd et al. in view of Jacoves et al. discloses the system of claim 28 as indicated supra. Boyd et al. further discloses the system wherein said amount is a function of the selling price of the purchased goods and its associated factor (Boyd et al., pages 8-9, ¶0136 - note that merchants use a formula based on the selling price and a factor to determine the number of points earned).

Referring to claim 30. Boyd et al. in view of Jacoves et al. discloses the system of claim 28 as indicated supra. Boyd et al. further discloses the system wherein said increasing means includes means for altering said amount with alterations in said factor (Boyd et al., pages 5-6, ¶¶0097-0111 – note that the means encompasses the web server which performs tasks including altering the increase amount with alterations in the factor).

**Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (Pub. No. US 2004/0193489 A1) in view of Garg et al. (Patent No. 6,571,216 B1).**

Referring to claims 33 and 34. Boyd et al. discloses the system of claim 32, as discussed supra. Boyd et al., however, does not disclose the system of claim 32 wherein said displaying means is located in a kiosk and is viewable by the public (claim 33) or is located at a point of sale terminal (claim 34).

Garg et al. discloses a method and system for providing differential rewards with dynamic user profiling that provides for displaying reward schemes, which can include displaying in a kiosk or point of sale terminal (Garg et al., column 7, lines 29-48 – note that the means for display can be any one of a number of devices which is considered to be able to be displayed in a kiosk or at a point of sale terminal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Boyd et al. to include the teachings of Garg et al. to allow for the display of the factor for goods and services in a kiosk or at a point of sale terminal. Doing so would allow for an award incentive program to extend offline at brick-and-mortar stores as well as online. (Boyd et al., page 2, ¶0025, “the system should also provide flexible redemption capabilities across offline-online boundaries so that any points earned offline can be redeemed online...).

*Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(1) Storey (Patent No. 5,774,870) discloses a fully integrated, on-line interactive frequency and award redemption program; (2) Postrel (Patent No. 6,820,061 B2) discloses a method and system for exchange and aggregation of reward points via a global computer network; (3) Postrel (Patent No 6,594,640 B1) discloses a system and method for electronic barter, trading and redeeming points accumulated in frequent use reward programs; (4) Postrel (Patent No 6,842,739 B2) discloses a system and method for electronic barter, trading and redeeming points accumulated in frequent use reward programs; and (5) Hodroff (Patent No. 5,592,376) discloses a currency and barter exchange debit card and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 703-605-0421. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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AAS



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